

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CT-3146-BO

BILLY RAY LOCKLEAR,
Plaintiff,

v.

SANDRA F. THOMAS, et al.,
Defendants.

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ORDER

On August 4, 2010, plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is before the court with additional discovery motions and motions for appointment of counsel. The motions are presently denied for the reasons set out below.

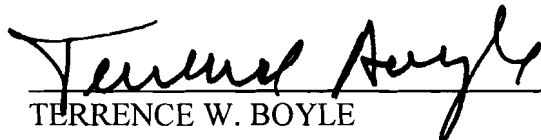
First, the court shall review the pending motions for appointment of counsel. (D.E. # 26 and 27) The motions for the appointment of counsel are DENIED. There is no constitutional right to counsel in civil cases. Under the *in forma pauperis* statute, 28 U.S.C. § 1915(e)(1), a court may request an attorney to represent an indigent litigant. However, under the statute, a court cannot force an attorney to accept an appointment. Court intervention to procure representation is typically reserved for cases presenting “exceptional circumstances,” determined by examining the claims and the litigant’s abilities. Presently, this court finds that no exceptional circumstances exist.

Second, the court does not intervene in the initial requests for the production of documents, affidavits, and other discovery material. The plaintiff, himself, must request the documents and admissions from the appropriate parties as required and outlined in the Federal

Rules of Civil Procedure. Therefore, the motion and filings seeking discovery are DENIED.

(D.E. # 20 and 21)

Accordingly, all the pending motions for appointment of counsel (D.E. # 26 and # 27) and motions for discovery (D.E. # 20 and # 21) are DENIED. SO ORDERED, this the 9 day of June 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE